

REMARKS

This Amendment is in response to the final Office action mailed on 27 February 2006 (Paper No. 20060214). Upon entry of this amendment, claims 1-11, 13-17 and 19-20 will be pending. Applicant has amended claims 1, 6, 10 and 17 by this amendment and has canceled claims 12 and 18 without prejudice or disclaimer as to their subject matter by this amendment.

Rejection of Claims 1, 2, 3 and 17 under 35 U.S.C. §103

Claim 1, 2, 3 and 17 are rejected under 35 U.S.C. §103 for alleged unpatentability over Kozu (US 6,822,420).

Regarding claim 1, Applicant has amended claim 1 by changing “between” to --in between-- to further distinguish from Kozu. Applicant submits that such an amendment should be allowed to be made after final as Applicant as the prior Office action of Paper No. 20050824 was defective in that reference numeral 130 and not 103 was cited. Applicant submits that this defect contributed to a delay of this amendment because in preparation of the December 7 response, Applicant was doubtful as to whether the Examiner was really referring to reference numeral 103 as opposed to reference numeral 130 of Kozu as the safety circuit board. Even though Applicant suspected the error in the December 7 response, an element of doubt still was present. It is also kindly noted that vents 130 of FIG. 20 of Kozu do not extend across all 3 cells as there is one vent for each cell while circuit board 103 does

extend across all three cells 102 in FIG. 102 of Kozu.

Rejection of Claims 4, 10, 13 and 20 under 35 U.S.C. §103

Claims 4, 10, 13 and 20 are rejected under 35 U.S.C. §103 for alleged unpatentability over Kozu '420 in view of Hong (US 6,423,449).

Regarding claim 10 (before amendment), the Examiner relies on Kozu for nearly every feature except the folding and the stacking of the battery cells on top of each other. For this feature, the Examiner turns to Hong for such a teaching and then concludes that the combination of Kozu and Hong teaches Applicant's claims. Applicant disagrees.

To begin with, Applicant submits that if the structure of FIG. 20 of Kozu were to be modified according to Hong, Applicant's claimed invention would not result. This is because if the battery of FIG. 20 of Kozu were folded, the circuit board 103 would break because the circuit board 103 of Kozu extends the entire length of the battery across all three cells 102. Because the circuit board 103 is so long, it is not possible to bend or fold the battery cells 102 of FIG. 20 on top of each other.

Applicant further submits that the above argument was not previously made on December 7, 2005 due to the doubt as to whether the Examiner was referring to the vent 130 in Paper No. 20050824 which entirely fits within one cell 102 or the circuit board 103.

Because the vent 130 is small enough, it would not break if the cells 102 of Kozu were folded to be stacked on top of each other.

Regarding claims 3, 12 and 18, Applicant claims that each case body has a flanged portion and the safety device is located between two separate flanged portions. On Pages 3, 7, 8 and 9 of Paper No. 20060214, the Examiner states that reference numerals 113 and 114 of Kozu teaches the flanged portions. Applicant disagrees. Applicant submits that reference numerals 113 and 114 of Kozu are not flanged portions but are merely electrode leads. Applicant further submits that Kozu does not teach flanged portions of a case body. Therefore, Applicant submits that the rejections of claims 3, 12 and 18 are without merit.

Applicant has amended allowed claim 6 by this amendment to correct for a grammatical error.

Applicant has amended claim 10 by incorporating the subject matter of former claim 12 into claim 10 and by changing one occurrence of “between” to --in between--. Applicant has amended claim 17 by this amendment by incorporating the subject matter of former claim 18 into claim 17 and by changing one occurrence of “between” into --in between-- to further distinguish from Kozu.

In view of the above, it is submitted that all of the claims now present in the application are patentable over the cited references, taken either alone or combination and accordingly should now be in a conditions suitable for allowance.

No fees are incurred by the filing of this Amendment.

Respectfully submitted,



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